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Williams, Emily R.

August 20, 2020

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CARNEGIE INSTITUTION OF)	
WASHINGTON and M7D)	
CORPORATION,)	
Plaintiffs,)	
)	
vs.)	Case No.
)	1:20-cv-00189 JSR
PURE GROWN DIAMONDS, INC.,)	
et al.,)	
)	
Defendants.)	

CARNEGIE INSTITUTION OF)	
WASHINGTON and M7D)	
CORPORATION,)	
Plaintiffs,)	
)	
vs.)	Case No.
)	1:20-cv-00200 JSR
FENIX DIAMONDS LLC,)	
)	
Defendant.)	

- - -

Videotaped deposition 30(b)(6) of

CARNEGIE INSTITUTION OF WASHINGTON, by and through
its corporate designee EMILY R. WILLIAMS, taken
pursuant to notice via videoconference at 123 East
Maple Street, Alexandria, Virginia, on Thursday,
August 20, 2020, at 9:05 a.m., before Lorraine B.
Marino, Registered Diplomate Reporter, Certified
Realtime Reporter and Notary Public.

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20 ALSO PRESENT: (via videoconference)

21 INGRID RODRIGUEZ
22 Videographer

23 - - -
24
25

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1 THE VIDEOGRAPHER: We are now on the 08:01:17
2 record. My name is Ingrid Rodriguez. I am a 09:04:52
3 videographer for Henderson Legal Services. 09:04:55
4 Today's date is August 20, 2020, and the time is 09:04:58
5 9:05 a.m. This video deposition is being held 09:05:01
6 via remote Zoom in the matter of Carnegie 09:05:06
7 Institute of Washington, et al., vs. Pure Grown 09:05:09
8 Diamonds, Inc., et al., an Carnegie Institute of 09:05:12
9 Washington, et al., vs. Fenix Diamonds LLC, for 09:05:16
10 the United States District Court, Southern 09:05:20
11 District of New York. The deponent is Emily 09:05:21
12 Williams. 09:05:26
13 Will counsel please state your 09:05:26
14 appearances for the record. 09:05:28
15 MR. SKLAR: Good morning. This is 09:05:31
16 Steve Sklar, S-K-L-A-R, from Leydig, Voit & Mayer 09:05:33
17 in Chicago. I am counsel for the defendant Fenix 09:05:39
18 Diamonds LLC in 20-cv-200, and I will be starting 09:05:42
19 out with the questions this morning. 09:05:50
20 MS. SANABRIA: Good morning. This 09:05:53
21 is Cecilia Sanabria, with the Finnegan law firm. 09:05:54
22 I represent the defendants Pure Grown Diamonds 09:05:58
23 and Iia Technologies. 09:06:01
24 MR. LONG: And my name is J. Preston 09:06:09
25 Long. Along with Ms. Sanabria, I also represent 09:06:11

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1 the defendants IIa Technologies Pte., Ltd. and 09:06:14
 2 Pure Grown Diamonds, Inc., in the Civil Action 09:06:19
 3 No. 20-cv-189. 09:06:22

4 MS. FOWLER: This is Sarah Fowler, 09:06:27
 5 of Perkins Coie. I represent the plaintiffs 09:06:28
 6 Carnegie Institution of Washington and M7D 09:06:31
 7 Corporation and the witness. 09:06:34

8 THE VIDEOGRAPHER: The court 09:06:37
 9 reporter is Lorraine Marino, also on behalf of 09:06:37
 10 Henderson Legal Services, and will now swear in 09:06:40
 11 the witness. 09:06:43

12 EMILY ROSE WILLIAMS, having been 09:06:48
 13 first duly sworn, was examined and testified as 09:06:53
 14 follows: 09:06:53

15 BY MR. SKLAR: 09:07:05

16 Q. Good morning, Ms. Williams. 09:07:06

17 A. Good morning. 09:07:09

18 Q. Where are you located this morning? 09:07:10

19 A. I am in Alexandria, Virginia. 09:07:12

20 Q. Oh, great. I am in Chicago, for whatever 09:07:15
 21 that is worth. We are a little bit far away. 09:07:18

22 Before we begin, can you give your 09:07:21
 23 address for the record, please, your home 09:07:23
 24 address? 09:07:25

25 A. Okay. Home address is 123 East Maple 09:07:25

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1 **year or July.** 09:31:18

2 MR. SKLAR: Counsel, I don't believe 09:31:25
3 we have that document, so I am going to request 09:31:26
4 that document. 09:31:28

5 MS. FOWLER: I will make a note of 09:31:29
6 it, Steve. 09:31:30

7 MR. SKLAR: Okay. 09:31:36

8 BY MR. SKLAR: 09:31:36

9 Q. And you tied in, Ms. Williams, when you 09:31:37
10 mentioned that nondisclosure, you tied in Diamond 09:31:39
11 Innovations, and that got me confused. How is 09:31:42
12 Diamond Innovations relevant to the UAB 09:31:44
13 situation? 09:31:47

14 A. There is no relevance at all. I think I 09:31:48
15 said Washington Diamonds, which is M7D. My 09:31:50
16 apologies. I refer to them as Washington 09:31:53
17 Diamonds. If it is easier, I will try to 09:31:57
18 remember to say M7D. 09:32:00

19 Q. That one I got down, the Washington 09:32:02
20 Diamonds and M7D. I thought -- I may have 09:32:03
21 misheard. Did you say Diamond Innovations? 09:32:06

22 A. I am not aware of any connection between 09:32:08
23 UAB and Diamond Innovations at all. 09:32:11

24 Q. So the purpose of the nondisclosure 09:32:13
25 agreement, what was that again? I didn't catch 09:32:15

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1 **A. Yes.** 01:04:11

2 MR. SKLAR: I will pull up the next 01:04:11
3 exhibit, which is F7, please. And let me give it 01:04:14
4 the next number. It is Williams Exhibit 15. It 01:04:24
5 is a document having Production Nos. 01:04:29

6 CARN-FEN_1064 to 1067, and it is entitled "U.S. 01:04:29
7 Patent RE41,189." 01:04:29

8 (Williams Exhibit No. 15 was marked 01:04:31
9 for identification.) 01:04:31

10 BY MR. SKLAR: 01:04:32

11 Q. Do you see this document, Ms. Williams? 01:04:32

12 **A.** Yes, I do. 01:04:56

13 Q. And are you familiar with this document? 01:04:58

[illegible]

15 Q. How are you familiar with it? 01:04:59

A. I have seen it as a Carnegie patent and
subject to the license with Washington Diamonds/
M7D.

19 Q. And do you understand this patent has been 01:05:11
20 asserted against my client, Fenix, as well as PGD 01:05:14
21 in the other case? 01:05:17

22 **A. Yes.** 01:05:18

23 Q. Now, I am going to ask you questions about 01:05:21
24 the inventorship. Do you see there is inventors 01:05:24
25 identified on the face of Exhibit 15, page 1064? 01:05:27

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1 talked about. But those weren't final figures. 02:55:29
2 They are just estimates based on, I think, 02:55:33
3 certain details that they had at the time. So 02:55:36
4 the expectation, of course, would be that we 02:55:39
5 would work with them on that aspect and 02:55:41
6 understand what ultimately the royalties were 02:55:45
7 that are owed to Carnegie in 2020 and work out a 02:55:47
8 payment deal with them for next year to pay those 02:55:51
9 back. 02:55:59

10 MR. SKLAR: Let me turn your 02:56:03
11 attention to another document. This is F22, 02:56:04
12 which I am going to mark as Williams Exhibit 20. 02:56:18
13 (Williams Exhibit No. 20 was marked 02:56:22
14 for identification.) 02:56:22

15 BY MR. SKLAR: 02:56:31

16 Q. And let me know when you have that up. 02:56:32

17 A. I have that open now. 02:56:52

18 Q. This is a document entitled "Patent 02:56:55
19 License Agreement." Do you see that on page -- I 02:56:57
20 guess for the record this document goes from page 02:57:00
21 CARN-FEN_2336 to 2379. The first page says 02:57:04
22 "Patent License Agreement" as the title. Do you 02:57:10
23 see that title? 02:57:13

24 A. Yes. 02:57:14

25 Q. What is this document? 02:57:15

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1 A. This is the license agreement between 02:57:18
2 Carnegie Institution of Washington and Washington 02:57:20
3 Diamonds/M7D that was put in place in 2011. 02:57:24

A. Yes. This should include -- this
doesn't -- oh, I guess they do put in the case
numbers, so you can see that, too. Yes, those
are the patents that are subject to the license.

13 A. Right, yes. 02:58:18

	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED] [REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	02:58:41

23 Q. And I think just to confirm, this document 02:58:44
24 was signed by Carnegie; is that right? I am 02:58:46
25 looking at page 2352. 02:58:53

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1 document. This is F26. I am going to mark this 03:12:20

2 as Williams Exhibit 21. It is a document having 03:12:35

3 Production Nos. CARN-FEN_184538 through 184548. 03:12:38

4 (Williams Exhibit No. 21 was marked 03:12:50

5 for identification.) 03:12:50

6 BY MR. SKLAR: 03:12:50

7 Q. Let me start with first do you recognize 03:13:00

8 this document. 03:13:02

9 A. Yes. 03:13:03

10 Q. And what is this document? 03:13:03

11 A. This is the most current amendment in 03:13:06

12 place between Carnegie and M7D to their 2011 03:13:10

13 license agreement. 03:13:16

14 Q. And this amendment was dated what? 03:13:19

15 December 21, 2018, it looks like. Is that right? 03:13:22

16 A. Yes. 03:13:26

17 Q. And executed by both M7D and Carnegie? 03:13:26

18 A. Yes. 03:13:30

■ ■ [REDACTED] ■

■ ■ [REDACTED] ■

■ [REDACTED] ■ [REDACTED]

■ [REDACTED] ■

■ [REDACTED] ■

■ [REDACTED] ■

■ [REDACTED] ■ 08

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1 MS. FOWLER: We can take that up 07:38:44
2 separately. I don't think we need to take any 07:38:46
3 more of the court reporter's time or Emily's 07:38:48
4 time, but I appreciate your position. 07:38:50

5 THE VIDEOGRAPHER: The time right 07:38:53
6 now is 7:39 p.m., and we are off the record. 07:38:54

7 MS. FOWLER: We reserve reading and 07:38:56
8 signing. 07:38:56

9 - - - 07:38:56

10 (Deposition concluded at 7:39 p.m.) 07:39:03

11 - - - 07:39:07

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CERTIFICATE OF REPORTER

I, Lorraine B. Marino, Registered Diplomate Reporter, Certified Realtime Reporter and Notary Public, do hereby certify that there came before me on AUGUST 20, 2020 the deponent herein, EMILY R. WILLIAMS, who was duly sworn by me and thereafter examined by counsel for the respective parties; that the questions asked of said deponent and the answers given were taken down by me in Stenotype notes and thereafter transcribed by use of computer-aided transcription and computer printer under my direction.

I further certify that the foregoing is a true and correct transcript of the testimony given at said examination of said witness.

I further certify that the deposition was made available to the witness for reading and signing.

I further certify that I am not counsel attorney, or relative of either party, or otherwise interested in the event of this suit.


Lorraine B. Marino, RDR, CRR

Date: 8/24/20

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1 ACKNOWLEDGMENT OF DEPONENT 07:39:07

2 07:39:07

3 I, _____, do hereby 07:39:07

4 acknowledge that I have read and examined the 07:39:07

5 foregoing testimony, and the same is a true, correct 07:39:07

6 and complete transcription of the testimony given by 07:39:07

7 me, and any corrections appear on the attached Errata 07:39:07

8 Sheet signed by me. 07:39:07

9 07:39:07

10 _____ 07:39:07

11 (DATE) (SIGNATURE) 07:39:07

12 07:39:07

13 NOTARIZATION (If Required) 07:39:07

14 07:39:07

15 State of _____ 07:39:07

16 County of _____ 07:39:07

17 07:39:07

18 Subscribed and sworn to (or affirmed) before me on 07:39:07

19 this _____ day of _____, 20____, by 07:39:07

20 _____, proved to me on the 07:39:07

21 basis of satisfactory evidence to be the person who 07:39:07

22 appeared before me. 07:39:07

23 07:39:07

24 Signature: _____ 07:39:07

25 (Seal) 07:39:07

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